

109TH CONGRESS
1ST SESSION

H. R. 1648

To require Executive Order 12898 to remain in force until changed by law, to expand the definition of environmental justice, to direct each Federal agency to establish an Environmental Justice Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2005

Mr. HASTINGS of Florida (for himself, Mr. OWENS, Mrs. CHRISTENSEN, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. McDERMOTT, Mr. NADLER, Ms. LEE, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. SANDERS, Mr. HONDA, Mr. MENENDEZ, Mr. WEXLER, Mr. RANGEL, Mr. PAYNE, Mr. MARKEY, Ms. DEGETTE, Mr. DOGGETT, Mr. STARK, Mr. JACKSON of Illinois, Ms. NORTON, Mr. HINCHEY, Mr. PALLONE, Mr. KUCINICH, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. CONYERS, Ms. SOLIS, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require Executive Order 12898 to remain in force until changed by law, to expand the definition of environmental justice, to direct each Federal agency to establish an Environmental Justice Office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXECUTIVE ORDER 12898.**

2 The provisions of Executive Order 12898, dated Feb-
3 ruary 11, 1994, pertaining to Federal actions to address
4 environmental justice in minority populations and low-in-
5 come populations, shall remain in force until changed by
6 law. In carrying out such executive order, the provisions
7 of this Act shall apply.

8 **SEC. 2. ADDITIONAL PROVISIONS RELATING TO ENVIRON-**
9 **MENTAL JUSTICE.**

10 (a) **DEFINITION OF ENVIRONMENTAL JUSTICE.**—For
11 purposes of Executive Order 12898, environmental justice
12 is the fair treatment and meaningful involvement of all
13 people regardless of race, color, national origin, edu-
14 cational level, or income with respect to the development,
15 implementation, and enforcement of environmental laws,
16 regulations, and policies. Environmental justice seeks to
17 ensure that minority and low-income communities have
18 adequate access to public information relating to human
19 health and environmental planning, regulations, and en-
20 forcement. Environmental justice ensures that no popu-
21 lation, especially the elderly and children, are forced to
22 shoulder a disproportionate burden of the negative human
23 health and environmental impacts of pollution or other en-
24 vironmental hazard.

25 (b) **IDENTIFICATION AND PRIORITIZATION OF ENVI-**
26 **RONMENTAL JUSTICE COMMUNITIES.**—For purposes of

1 Executive Order 12898, criteria for defining an environ-
2 mental justice community shall include demographic char-
3 acteristics, such as percentages of minority and low-in-
4 come residents within an area, as well as—

5 (1) health vulnerabilities, such as cancer mor-
6 tality and incidence rate, infant mortality, low birth
7 weight, asthma, and childhood lead poisoning; and

8 (2) environmental conditions, such as facility
9 density and proximity to Corrective Action/Super-
10 fund Sites, Enforcement Data (percent and number
11 of uninspected facilities, percent and number of
12 unaddressed violations, average and total penalty
13 and air nonattainment status), emissions, attain-
14 ment status, indoor air issues, 305b stream data,
15 fish advisories, beach closings, and truck traffic.

16 (c) ESTABLISHMENT OF OFFICES OF ENVIRON-
17 MENTAL JUSTICE.—For purposes of Executive Order
18 12898, each of the following shall establish an Office of
19 Environmental Justice:

20 (1) Department of Defense.

21 (2) Department of Justice.

22 (3) Department of the Interior.

23 (4) Department of Agriculture.

24 (5) Department of Commerce.

25 (6) Department of Labor.

1 (7) Department of Health and Human Services.

2 (8) Department of Housing and Urban Devel-
3 opment.

4 (9) Department of Transportation.

5 (10) Department of Energy.

6 (11) Department of Homeland Security

7 (12) Environmental Protection Agency.

8 (13) Office of Management and Budget.

9 (14) Office of Science and Technology Policy.

10 (15) Office of the Deputy Assistant to the
11 President for Environmental Policy.

12 (16) Office of the Assistant to the President for
13 Domestic Policy.

14 (17) National Economic Council.

15 (18) Council of Economic Advisers.

16 (19) Such other Government officials as the
17 President may designate.

18 (d) INTEGRATION OF ENVIRONMENTAL JUSTICE
19 POLICIES IN AGENCY ACTIONS.—For purposes of the en-
20 vironmental justice strategies developed by agencies under
21 Executive Order 12898, each agency shall integrate the
22 strategy into the operation and mission of the agency and
23 explicitly address compliance with this Act, including in
24 the following activities:

25 (1) Future rulemaking activities.

1 (2) The development of any future guidance,
2 environmental reviews (including NEPA, CAA, Fed-
3 eral Land Policy Act), regulation, or procedures for
4 Federal agency programs, policies, or activities that
5 affect human health or the environment.

6 (e) INTERAGENCY FEDERAL WORKING GROUP CO-
7 ORDINATION AND GUIDANCE.—The interagency Federal
8 Working Group on Environmental Justice (in this section
9 referred to as the “Working Group”) shall—

10 (1) coordinate an integrated environmental jus-
11 tice training plan for the Federal agencies and of-
12 fices listed in subsection (c);

13 (2) formalize public participation efforts;

14 (3) survey the Federal agencies and offices to
15 determine what is effective and how to best facilitate
16 outreach without duplicating efforts;

17 (4) develop a strategy for allocating responsibil-
18 ities and ensuring participation, even when faced
19 with competing agency priorities; and

20 (5) coordinate plans to communicate research
21 results so reporting and outreach activities produce
22 more useful and timely information.

23 (f) AGENCY PUBLIC PARTICIPATION EFFORTS.—

24 (1) OUTREACH EFFORTS.—Each Federal agen-
25 cy listed in subsection (c) shall carry out and report

1 outreach activities to the Working Group, including
2 the following:

3 (A) Respond directly to inquiries from the
4 public and other stakeholders.

5 (B) Maintain websites and listservers.

6 (C) Produce and distribute hardcopy docu-
7 ments and multimedia products.

8 (D) Conduct or sponsor briefings, lectures,
9 and press conferences.

10 (E) Testify before Congress or other gov-
11 ernment bodies.

12 (F) Finance scholarships, fellowships, and
13 internships.

14 (G) Support museum exhibits and other
15 public displays.

16 (H) Sponsor, participate, or otherwise con-
17 tribute to meetings attended by stakeholders.

18 (I) Provide scientifically-sound content for
19 K–12 education activities; and

20 (J) fund outreach efforts managed outside
21 the Federal Government.

22 (2) STAKEHOLDERS.—To ensure their active
23 public participation and to provide input early in en-
24 vironmental decision-making, Federal agencies along
25 with the Working Group shall develop ways to en-

hance partnerships and coordination with stakeholders, including affected communities, Federal, Tribal, State, and local governments, environmental organizations, nonprofit organizations, academic institutions (including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges), and business and industry.

(g) COMMUNITY TECHNOLOGY CENTERS.—

(1) IN GENERAL.—Federal agencies shall fund community technology centers to assist with technical assistance issues in the environmental justice area.

(2) DESCRIPTION.—In this subsection, the term “community technology center” (CTC) refers to programs with the goal of providing at least 10 hours of open access a week for anyone in a community, especially youth and adults in low-income urban and rural communities, for purposes of providing technical assistance to communities experiencing issues of environmental hazards.

(3) LOCATION.—A community technology center may be located in places such as libraries, community centers, schools, churches, social service agencies, low-income residential housing complexes,

1 and Minority Academic Institutions (such as His-
2 torically Black Colleges and Universities, Hispanic
3 Serving Institutions, and Tribal Colleges).

4 (4) ACTIVITIES OF COMMUNITY TECHNOLOGY
5 CENTER.—A community technology center funded
6 under this section shall—

7 (A) assist community members in becom-
8 ing active participants in cleanup and environ-
9 mental development activities;

10 (B) provide independent and credible tech-
11 nical assistance to communities affected by haz-
12 ardous waste contamination;

13 (C) review and interpret technical docu-
14 ments and other materials;

15 (D) sponsor workshops, short courses, and
16 other learning experiences to explain basic
17 science and environmental policy;

18 (E) inform community members about ex-
19 isting technical assistance materials, such as
20 publications, videos, and web sites;

21 (F) offer training to community leaders in
22 facilitation and conflict resolution among stake-
23 holders; and

- 1 (G) create technical assistance materials
- 2 tailored to the identified needs of a community.

